

EXAMINING THE EFFECTS OF INTERNAL ARMED CONFLICT ON THE NIGERIAN ENVIRONMENT AND THE RESPONSE OF GOVERNMENT

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ABSTRACT

The incidences of armed conflicts in the North-East of Nigeria and the Niger Delta have left a lot of devastation on the environment and the livelihood of civilians. The paper notes that the Niger Delta conflict resulted in bombing of pipelines and oil facilities that led to discharges into freshwater sources and the farmlands causing a devastation to the environment and threatening human lives due to excessive amounts of toxic materials being discharged. Constant gas flaring affects wildlife and human life negatively. Badly constructed canals and causeways for the purpose of mining activities have adversely affected the hydrology of the region, causing floods in some areas and water scarcity in others. These artificial waterways allow saline water leakage into the sources of freshwater, resulting in scarcity of drinking water and the mortality of many aquatic plants and animals. When petroleum is discharged into the soil, the soil becomes acidic, which disrupts photosynthesis and respiration of tree roots. The paper, therefore, recommends that the government must address the root causes of conflict and undertake environmental clean-up seriously.

Keywords: Boko-Haram; Niger-Delta; Environment; Hostilities; Response

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1. INTRODUCTION

This paper discusses the effects of internal armed conflict on the Nigerian environment and examines the result of the actions of the Boko Haram sect and the militants from the Niger Delta in the country during the past few years till date. It further discusses the responses and approaches of the Nigerian government towards the conflicts and the mitigation of the environmental impacts of these conflicts. The fundamental and undeniable rule of armed conflict is to weaken the military forces of the enemy and to target, at all times, military objectives and not the civilians and civilian objects. This protection is guaranteed under both international and domestic laws, ensuring that, in the midst of hostilities, the dignity of human person, properties, and environment are protected, to the greatest extent possible, under the circumstances prevailing at that time irrespective of the demand of military necessity.

It is observed that despite the stipulations in the law of war, the armed groups and belligerents involved in active hostilities have targeted civilians and civilian objects. The environment is protected in Articles 35(3) and 55 of the Additional Protocol¹ I of 1977. The environment has to be protected against the effects of weapons as civilian objects do. Over the years, it has been noted that the environment has been a victim of armed conflict in international armed conflict, as a consequence of the means and methods of warfare deployed by belligerents in contravention of Article 35(1) of the Additional Protocol I. With the insurgency in Nigeria, one cannot deny that the means and methods employed in the hostilities either by the armed groups or the Nigerian armed forces have not had its toll on the Nigerian environment.

It is in view of this that this paper attempts to discuss the impact of these conflicts on the environment in Nigeria. To achieve this, the paper is divided into six parts. Part I introduces the paper while Part II discusses the impact of Boko Haram conflict on the Environment. Part III discusses the environmental impacts of Boko Haram's attacks while Part IV examines the Niger Delta conflict and how it impacted the environment in that region. Part V looks at the responses of government to these conflicts and their impacts and part VI concludes the paper.

2. BOKO HARAM CONFLICT AND HUMAN RIGHTS

The cycle of violence being unleashed on Nigerians by the fundamentalist group, Boko Haram, has heightened serious fears among Nigerian populace and even the international community.² The conflict or armed violence can be linked to Boko Haram armed opposition groups in

¹ ICRC <<https://ihl-databases.icrc.org/ihl/INTRO/470>> accessed 20 February 2022.

² Okpaga A, Ugwu S C and Eme O I, 'Activities of Boko Haram and Insecurity Question in Nigeria' (2012) 1 (9) Arabian Journal of Business and Management Review 77-99 <https://researchgate.net/publication/264849674_Activities_of_Boko_Haram_and_Insecurity_Question_in_Nigeria> accessed 20 January 2022.

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Cameroon, Chad, Niger, Nigeria and Islamic State West Africa.³ The causes of insecurity in the region are far more complex and deeply rooted in the region's historical context. These factors include inequality, long-term political marginalization and exclusion.⁴ Today, climate change and environmental degradation are exacerbating the challenges faced by the predominantly rural population most of whom rely on farming, fishing, and raising livestock.⁵ In the last 13 years, the northeast Nigeria has been subject to a humanitarian crisis and the states of Borno, Adamawa and Yobe are the worst hit, as they are the epic centre of the conflict.⁶

The conflict in the northeast of Nigeria owes its origin mostly to the insurgency of Boko Haram, a terrorist group⁷ responsible for attacks on local communities. The activities of the terrorist group and the counter-insurgency by the Nigerian troops have given rise to severe humanitarian crises in the history of Nigeria.⁸ The poor socio-economic conditions of the north-east caused by the fragile climate conditions and neglect by the federal government are presumed to have created the fertile ground for Boko Haram to thrive.⁹ The strategic location of the area occupied by the Boko Haram insurgents provided with both shelter away from the security forces and available manpower from the youths struggling to make a living. This has enabled them to recruit members basically from the unemployed secondary

³ United Nations High Commissioner for Human Rights (UNHCHR), 'Violations and Abuses Committed by Boko Haram and the Impact on Human Rights in the Countries Affected', United Nations General Assembly, New York <<https://digitallibrary.un.org/record/819031?ln=en>> accessed 7 March 2022

⁴ Adelphi, 'Lake Chad Risk Assessment: The Role of Climate Change in the Current Crises' <<https://www.adelphi.de/en/project/lake-chad-risk-assessment-role-climate-change-current-crisis>> accessed 7 March 2022.

⁵ Ibid.

⁶ United Nations High Commissioner for Refugees (UNHCR), 'Northeast Nigeria (Monthly Situation Report), UNHCR, the UN Refugee Agency' (2018) <<https://unhcr.org>> accessed 7 March; see also World Health Organisation (WHO), 'Nigeria Humanitarian Response Plan 2018' <<https://who.int/health-clustr/countries/nigeria/Nigeria-Humanitarian-Response-Plan-March-2020.pdf?ua=1>> accessed 12 January 2022

⁷ Boko Haram – one of the largest Islamist militant groups in Africa – has conducted terrorist attacks on religious and political groups, local police, and the military, as well as indiscriminately attacking civilians in busy markets and villages. The group kidnapped over two hundred girls from their school in April 2014 and this drew international attention to the persistent threat from Boko Haram and the government's inability to contain it. A group that persists on spreading terror amongst the civilian population as a means of conducting hostility can best be described as a terrorist group. See also 'Global Conflict Tracker-Boko Haram in Nigeria' <<https://www.cfr.org/global-conflict-tracker/conflict/boko-haram-nigeria/>> accessed 20 February 2022.

⁸ Hamid, N A Salleh and others, 'Boko Haram and Humanitarian Crisis in North East Nigeria' (2017) 35 (9) World Applied Sciences Journal 1777-1782.

⁹ Rizzo J, 'A Shrinking Lake and a Rising Insurgency Migratory Responses to Environmental Degradation and Violence in the Lake Chad Basin', In Gemenne, Zickgraf and Ionesco (eds.), *The State of Environmental Migration 2015* (International Organization of Migration 2015) <https://publications.iom.int/system/files/pdf/state_environmental_migration_2014_0_0.pdf> accessed 3 February 2022.

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and university graduates, destitute children dissatisfied youth from within and outside northern Nigeria.¹⁰

The discussions on the root causes of the conflict have centred around climate and environmental issues, poverty, Islam, community allegiance, poor governance, and corruption. This has given rise to the responses of civilians and the military authorities and the international community, where anti-terrorist experts have opted for a religious interpretation of the conflict by promoting a 'de-radicalization' strategy to get the Muslims back into the mainstream Islam.¹¹ It is believed that the history of the territory occupied by the insurgents played a key role in the root cause of the conflict and that the insurgents draws, among other things, upon historical references to the Islamic Caliphate of Dan Fodio's Sokoto Empire in the 19th Century.¹²

Aside the views articulated above, it is believed that Boko Haram originated from the activities of Islamic organization, Jama'atu Ahlis-Sunna Lidda'awati wal-Jihad, or 'people committed to the propagation of the prophet's teachings and jihad' and has been operating in Northern Nigeria with the sole aim of propagating the Islam religion in line with the teachings and doctrines of Prophet Muhammad.¹³ The name Boko Haram was given to the group by residents of Maiduguri, Borno State where the group originated from. 'Boko' means 'fake' used primarily to signify Western education while 'Haram' means 'forbidden', consequently, Boko Haram is translated colloquially as 'Western education is sin'.¹⁴

Boko Haram's origins are believed to have been influenced by the teachings of Maitatsine, Mohammed Marwa, a muslim fundamentalist, who rejected the influence of education system imposed by the British as they conquered Sokoto Caliphate in 1903.¹⁵ Since their invasion in 2009, series of attacks has been targeted towards various locations in the northeast region. Below is a record of their operations. In July 2009, an attack was launched on Potiskum, Yobe State's Divisional Police Headquarters rendering three policemen and one fire service officer dead. Bauchi central prison was set ablaze in September 2010. An operation in the northern part of Jos, Plateau

¹⁰ Kamta, F N, Azadi, H and Scheffran, J, 'The Root Causes of the Crisis in Northeast Nigeria: Historical, Socio-economic and Environmental Dimensions' (May 2020) 11(3) Mediterranean Journal of Social Sciences 95-104 <<https://doi.org/10.36941/mjss-2020-0033>>

¹¹ *Ibid.*

¹² Cold-Ravnkilde, S. M. and Plambeck, S., 'Boko Haram: From Local Grievances to Violent Insurgence' DIIS Report No. 2015:21, ISBN 978-87-7605-786-2. Danish Institute of International Studies (DIIS), Copenhagen.

¹³ International Crisis Group, 'Curbing Violence in Nigeria (II): The Boko Haram Insurgency' (2014) Africa Report No. 216 <<https://crisisgroup.org/-/media/Files/africa/west-africa/nigeria/216-curbing-violence-in-nigeria-ii-the-boko-haram-insurgency.pdf>> accessed 7 March 2022.

¹⁴ Ekpo, C G and Is'haq, A B, 'Impact of Boko Haram Insurgency on Bio-Physical Environment of North Eastern Nigeria' <https://researchgate.net/publication/330811866_Environmental_Implication_of_Boko_haram/> accessed 7 March 2022.

¹⁵ Anon, Boko Haram <<https://ngex.com/nigeria/>> accessed 7 March 2022.

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State led to the death of 300 people in March 2010. Explosions near the Eagle Square, Abuja claimed 12 lives, leaving many injured in October 2010.

A bomb attack, in Barkin Ladi, Jos, Plateau State, killed eight people and Explosions at Mogadishu Mammy Market, Abuja which claimed about 10 lives in December 2010.¹⁶ Bomb explosion at INEC office in Suleja, Niger State and polling unit in Unguwar Doki Maiduguri, Borno State claimed lives of 8 corps members and a suicide bomber in April 2011.¹⁷ An explosion occurred at Mammy market of Shandawanka barracks in Bauchi State that claimed 13 lives and left many injured and bombs exploded early morning on Baga road in Maiduguri, Borno State rendering 13 dead and 40 injured in May 2011. Series of bomb blasts occurred in Maiduguri, Borno state, claiming 5 lives and leaving several others injured in June 2011.

Moreover, a bomb blast at Damboa town killed 4 children. In Suleja Niger State, a bomb targeted at a church killed 4 and injured many others. There was a tragic explosion at a relaxation joint in Fokados Street in July 2011. A suicide bomber drove into the United Nations building in Abuja killing 25 civilians and leaving 60 injured in August 2011. On Christmas day, about 50 people died as a result of the bombing in Madalla, Niger State. Six people died in a church attack in Gombe State in January 2012. 17 people died in a Christ Apostolic Church, Yola, Adamawa State while 20 Igbo people were killed in Mubi in the same state. Around this time two churches were destroyed in Bauchi State as a part of the sect actions.

The Sabon Gari of Kano State witnessed another explosion, which caused a pandemonium in the state. Many were injured and some luxury buses were damaged in the explosion. A cross path between Boko Haram and soldiers in Maiduguri market rendered 30 persons died in March 2012. A car bomb which denoted outside Catholic Church in Jos killed 10 persons. Bomb explosion at the Bayero University, Kano killed a professor and 17 others. On Easter Sunday, 38 people were reported killed in Kaduna and 40 the following day by members of the terrorist group. Due to an invasion on church, 5 worshippers and the church pastor were killed in Maiduguri in April 2012.

A bomb was defused around the premises of Kings Garden Cinema, Bridge Quarters, Kano State where hundreds of soccer fans were billed to watch the final match between Chelsea and Liverpool. This occurred on 12 May 2012. Multiple bomb attacks on 3 churches killed 70 people and injured a lot of others in June 2012.¹⁸ On the 25 May 2014, 24 persons were again killed by the insurgents. In addition, over 100 houses, vehicles and shops in the market were burnt in Kamuyya village, Biu Local Government Area of Borno State.¹⁹ The bombing of the United Nations building in Abuja seems to suggest that the group's ambitions are broader than initially believed.

¹⁶ *Ibid.*

¹⁷ International Crisis Group, *supra* 13, 44.

¹⁸ *Ibid* 45.

¹⁹ *Ibid* 13.

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Collectively, these attacks have led to the death of thousands of civilians and destruction of civilian objects with a large number of internally displaced persons. These attacks can qualify as crimes against humanity. Thus, the use of bombs and suicide bombers as well as other acts by armed non-state actors in Northern Nigeria against civilians specially may amount to genocide and /or crimes against humanity.²⁰ The Boko Haram sect started with sporadic attacks on security formations. With time, they graduated to offensives on Christian churches, mosques, schools and other public places. The use of improvised explosive devices (IEDs) and suicide bombing has since added to the ever-degenerating complexion of insurgency.

On 7 January 2017, a group of Boko Haram militants attacked a Nigerian army base in Yobe State, killing five soldiers. In response, the Nigerian Army launched retaliatory strikes and killed 15 militants.²¹ On 18 March 2017, at least 6 people were killed and 16 wounded after four female suicide bombers blew themselves up on the outskirts of Maiduguri city.²² On 17 January 2017, a Nigerian Air Force jet accidentally bombed a refugee camp near the Cameroonian border in Rann, Borno State, mistaking it for a Boko Haram encampment.²³ It was such a painful sight to behold. About 57% of all schools in Borno state were closed due to the Boko Haram insurgency, affecting the education of about 3 million children.²⁴ In December 2017, fighters who were believed to belong to Islamic State of West African Province (ISWAP) attacked a patrol of US Army Special Forces and Nigerian soldiers in the Lake Chad Basin Region in Niger. The coalition troops managed to repel the assault without suffering any casualties.²⁵

According to the Shehu Musa Yar'Adua Foundation, it was reported that as of 2018, the group had carried out 1,639 violent attacks with 14,436 fatalities, 6,051 injured victims, and 2,063 hostages across the northeast region of Nigeria.²⁶ So far, the faceless leadership of the sect has remained

²⁰ *Ibid* 46.

²¹ Reuters, 'Boko Haram attacks Nigerian army base, five soldiers killed -military source' *Reuters*, 9 January 2017 <<https://www.reuters.com/article/ozatp-us-nigeria-security-idAFKBN14TOWY>> accessed 4 April 2022.

²² Associate Press, '6 killed in Nigeria as teenage girls detonate explosives' *Fox News*, 15 March 2017 <<https://www.foxnews.com/world/6-killed-in-nigeria-as-teenage-girls-detonate-explosives>> accessed 4 April 2022.

²³ BBC News Online, 'Nigeria air strike dead rises to 115 in Rann', *BBC New*, 24 January 2017 <<https://bbc.com/news/world-africa-38730741>> accessed 4 April 2022.

²⁴ UNICEF, 'Over half of schools remain closed in epicentre of Boko Haram crisis in Nigeria' UN News Centre, 24 September 2017 <<https://www.un.org/sustainabledevelopment/blog/2017/09/over-half-of-schools-remain-closed-in-epicentre-of-boko-haram-crisis-in-nigeria-unicef/#:~:text=About%2057%20per%20cent%20of,Nations%20child%20agency%20said%20to%20day>> accessed 4 April 2022.

²⁵ Choi, D, 'US Special Forces troops killed 11 ISIS fighters in an undisclosed firefight in Niger', *Business Insider*, 15 March 2018 <<https://businessinsider.com/special-forces-in-niger-firefight-2018-3>> accessed 4 April 2022; Omenma, J and others, 'Correction to: A decade of Boko Haram activities: the attacks, responses and challenges ahead' (2020) 33 (3) *Security Journal* <<https://doi.org/10.1057/s41284-020-00243-5>> accessed 4 June 2020.

²⁶ Shehu Musa Yar'Adua Foundation <<https://www.youtube.com/watch?v=qVhrMxwrFOU>> accessed 17 December 2021.

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intransigent and malignant.²⁷ The implication of this is that it has exacerbated poverty, brought massive human suffering, and destroyed property. The activities of the sect, especially since 2009, have constituted a major security threat to the nation and made northern Nigeria, particularly the northeast the most dangerous region of the country to live in.²⁸

By March 2018, two main insurgent factions were still active, and continued to wage an insurgency campaign against the government: The followers of Abubakar Shekau (Boko Haram) operated mainly in southern Borno State, while the faction of Abu Musab al-Barnawi (ISWAP) was mostly located around Lake Chad.²⁹ On 26 April 2018, Boko Haram bombers killed at least 4 civilians in the outskirts of Maiduguri, the largest city in Borno State. A subsequent gun battle and tear gas launched by security forces repelled the attackers but left two officers wounded and several others injured.³⁰ On 15 July 2018, hundreds of Nigerian soldiers went missing after ISWAP forces led by Abu Musab al-Barnawi overran a Nigerian army base in the north-eastern part of Nigeria. Less than 100 Nigerian soldiers returned after the attack, the attack came 24 hours after Islamic State of Iraq and the Levant (ISIL) ambushed a military convoy in the neighbouring Borno state. The attack on the base resulted in a battle that lasted over an hour, it is unknown if there were any casualties in the assault, a local pro-government militia said the military had sustained some casualties, this attack marks Boko Haram's first major gain since 2015.³¹

On 8 September 2018, ISWAP fighters managed to capture the town of Gudumbali in central Borno, marking their first major gain in nearly two years.³² The next day, ISIL's West Africa Province released a video showing footage from combat with the Nigerian Army in the area. On 18 November 2018, ISWAP fighters attacked a military base in the Nigerian town of Metele, killing at least 118 soldiers while at least 153 others were missing after the attack, the militants also seized tanks, armoured vehicles, artillery, weapons, and ammunition.³³

²⁷ Okoli, A C and Lortyer P, 'Terrorism and humanitarian crisis in Nigeria: Insights from Boko Haram insurgency' (2014) 14 (I) *Global Journal of Human Social Science* 39–50.

²⁸ *Ibid.*

²⁹ Ibukun Y, 'Nigeria Turns to Dialogue to End 9-Year Islamist Insurgency' *Bloomberg News*, 26 March 2018 <<https://www.bloomberg.com/news/articles/2018-03-26/nigeria-turns-to-dialogue-to-end-nine-year-islamist-insurgency>> accessed 4 January 2022.

³⁰ Wikipedia <https://en.wikipedia.org/wiki/Boko_Haram> accessed 4 January 2022.

³¹ *Ibid supra* 29, p.47.

³² Daily Nation, 'Boko Haram captures Gudumbali after troop attack' *Daily Nation*, 9 September 2018 <<https://nation.co.ke/news/africa/1066-4750642-xwp6r2/index.html>> accessed 4 January 2022.

³³ Premium Times, 'Metele Boko Haram Attack: Soldiers' death toll rises to 118, over 150 missing', *Premium Times News*, 24 November 2018 <<https://www.premiumtimesng.com/news/headlines/297343-metele-boko-haram-attack-soldiers-death-toll-rises-to-118-over-150-missing.html>> accessed 4 January 2022; Kingimi, A and Carsten, P, 'Militants kill around 100 Nigerian soldiers in attack on army base', Reuters, 22 November 2018 <<https://www.reuters.com/article/us-nigeria-security-insurgency-idUSKCN1NR1SR>> accessed 4 January 2022; Aminu Abubakar, 'Boko Haram attacks leave 53 dead in pre-election show of force' *Yahoo News*, 20 November 2018 <<https://yahoo.com/news/002007723.html>> accessed 4 January 2022.

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Barnawi's ISWAP launched a major offensive in January 2019, attacking several Nigerian military bases, including those at Magumeri and Gajiram. Insurgents also overran and destroyed the refugee town of Rann near the border to Cameroon, displacing its inhabitants yet again. The destruction of Rann was initially attributed to ISWAP, but Shekau's Boko Haram later claimed responsibility. Three Boko Haram suicide bombers killed 30 people in Konduga, Borno State on 16 June 2019. Boko Haram shot dead at least 65 people in Nganzai, Borno, who were walking home from a funeral on 27 July 2019.³⁴

It should be emphasized, however, that the persistent threat against security has also affected development in the state. The violent activities of Boko Haram have brought a serious paralysis to business, the banking sector, markets, tourism, the transport system, hospitality, internal and external investment, companies and other economic activities. Due to attacks on banks, markets, parks and government departments in northern Nigeria, human capital and investors have collapsed and people have migrated to other parts of the country to promote their businesses. Economic backwardness, poverty, unemployment, insecurity and failure in sustainable human development have increased. Tourists are terrified to explore the country for the fear of getting kidnapped and extorted. Insecurity rate increases as citizens cannot relax in public without the thought of a suicide bomber in their midst or bomb explosion about to occur.

It has also led to the degradation of infrastructures, including the closing or destruction of more than half of the region's schools, and the near-complete breakdown of an already weak public health system.³⁵ Boko Haram's arsenal now includes AK-47 rifles, grenades, rocket propelled grenades, automatic rifles, surface-to air-missiles, vehicle mounted machine guns with anti-aircraft visors, T-55 tanks, Panhard ERC-90 'Sagaie' and explosives such as Semtex.³⁶ Their tactics have become more sophisticated, both in response to increased security operations by the military and in an effort to stir sectarian conflict. The first attacks in 2010 were predominantly shootings, but IEDs began to be used by December, especially in the run-up to the 2011 elections.³⁷ After those elections, the movement turned to vehicle borne IEDs (VBIEDs). These cars were typically packed with several propane cylinders or explosives-filled oil drums.

Furthermore, in order to disseminate its ideology and to reach a wider audience, the Islamic terrorist group began to make effective use of the internet. YouTube has been particularly effective in showcasing Boko

³⁴ Kelly, F, 'Shekau Boko Haram faction claims attack in Rann, Nigeria' *Defense Post*, 17 January 2019 < <https://www.thedefensepost.com/2019/01/17/nigeria-boko-haram-shekau-faction-claims-rann-attack-video/>> accessed 14 April 2022.

³⁵ Campbell, J and Harwood, A, 'Boko Haram's Deadly Impact', Council on Foreign Relations, 20 August 2018 < <https://www.cfr.org/article/boko-harams-deadly-impact>> accessed 17 April 2022.

³⁶ Campbell, J, 'The Boko Haram War Machine', Council on Foreign Relations, 8 October 2014 <<https://www.cfr.org/blog/boko-haram-war-machine>> accessed 20 April 2022.

³⁷ Crisis Group Africa, 'Curbing Violence in Nigeria (II), The Boko Haram Insurgency' (2014) 216 (16) Crisis Group Africa Report, 3 April 2014 <<https://www.crisisgroup.org/africa/west-africa/nigeria/curbing-violence-nigeria-ii-boko-haram-insurgency>> accessed 13 April 2022.

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Haram's exploits and confrontations with the Nigerian army.³⁸ The group made use of every tangible and intangible resource at its disposal to wage war. During this phase, the Nigerian state also used considerable resources to retaliate. The military used tactics and strategies such as the declaration of a state of emergency, arrest and intimidation of spouses and relatives of known Boko Haram members, although this was a flout of humanitarian rules of engagement. The state of emergency did not stop the sect from the continuation of bombings, killings, kidnappings and the destruction of property. The attacks by the sect during the period of state of emergency surpassed when there were no state of emergency.³⁹

Recently, Boko Haram bombed a market in Gamboru, Borno, on 6 January 2020, killing at least 38 people. They killed at least 30 people in Auno, Borno on 9 February 2020. They carried out massacres against the Chadian and Nigerian armies on 23 March 2020. The Chadian Defense Minister, Mahamat Abali Salah, announced on March 31 the launch of "Operation Boma's Wrath" in response to Boko Haram's massacres carried out on 23 March 2020. The operation's target was to wipe out the Boko Haram remnants around Lake Chad, the operation was named after the island where Boko Haram launched a seven-hour assault that Chadian President Idriss Déby claimed the worst of the country's military had ever suffered.⁴⁰ He organized his armed forces and led the troop to avenge the death of Chadian 30 soldiers killed by Boko Haram. Still discussing recent development with regards to the conflict, the Defence Headquarters says, "Boko Haram terrorists in the Sambisa Forest of Borno have been set in disarray, following massive airstrikes conducted by the Air Task Force of Operation Lafiya Dole (OPLD) on 15 May 2020". The Coordinator, Defence Media Operations, John Enenche, disclosed this while giving his statement in Abuja⁴¹.

Enenche, a Major-General, said the operation was executed based on credible intelligence reports as well as series of Intelligence, Surveillance and Reconnaissance (ISR) missions. He added that the reports revealed that the terrorists were importing additional fighters as well as increasing their logistics stocks preparatory to launching attacks on troops' locations and surrounding civilian settlements. According to him, the air task force

³⁸ Falode, J A, 'The Nature of Nigeria's Boko Haram War, 2010-2015; A Strategic Analysis' (2016) 10 (1) Perspectives on Terrorism, p.12
<<https://www.universiteitleiden.nl/binaries/content/assets/customsites/perspectives-on-terrorism/2016/005-the-nature-of-nigeria-s-boko-haram-war-2010-2015-a-strategic-analysis.pdf>> accessed 20 April 2022.

³⁹ Awojobi O. N., 'The Socio-Economic Implications of Boko Haram Insurgency in the North East of Nigeria' (2014) 11 (1) International Journal of Innovation and Scientific Research 144-150
<<http://ijisr.issr-journals.org/>> accessed 20 December 2021.

⁴⁰ *Ibid* 49.

⁴¹ Tanimu, AMT, 'Air Task Force of Operation Lafiya Dole Attack Boko Haram in Sambisa' Nigerian Television Authority, 17 May 2020 <<https://www.nta.ng/news/20200517-air-task-force-of-operation-lafiya-dole-attack-boko-haram-in-sambisa/>> accessed 20 March 2022.

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dispatched an enhanced force package of attack aircraft and a surveillance platform to engage the location.⁴²

On June 2, a group of heavily armed Boko Haram militants abducted at least 4 people during an ambush on a checkpoint along the Maiduguri-Monguno Road in Born state. Local sources report that the incident occurred near Gasarwa village from Monguno Local Government Area.⁴³ The consistency of Boko Haram attacks on the Nigerian territory has spread fear, terror and pain amongst citizens of the nation. The federal government of Nigeria has not succeeded in the conflict against the terrorist group and where this persists, the brutality continues.

3. ENVIRONMENTAL IMPACT OF BOKO HARAM ATTACKS

In the field of international humanitarian law that regulates armed conflict, the environment includes the natural environment and all objects indispensable to the survival of the civilian population.⁴⁴ Objects indispensable to the survival of the civilian population includes: foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motiff, whether in order to starve out civilians, to cause them to move away, or for any other motiff.⁴⁵ It, therefore, means that any attack on these objects is an attack on the environment and it directly impacts the civilians.

The Boko Haram attacks on the natural or biological environment has caused severe damages to natural habitat of animals and altered their ecological systems. It has affected climate, weather, and natural resources that support human survival and economic activities.⁴⁶ Deforestation by displaced persons for survival and shelter is environmental fallout of the attacks.⁴⁷ The attacks have caused loss of biodiversity of plants and animals, thereby, modifying and degrading the natural environment.⁴⁸ The Boko Haram's attacks have contributed enormously to a decline in agricultural

⁴² Premium Times, 'Boko Haram terrorists in disarray in Sambisa Forest, Nigerian military says' *Premium Times*, 16 March 2020 <<https://www.premiumtimesng.com/news/top-news/393138-boko-haram-terrorists-in-disarray-in-sambisa-forest-nigerian-military-says.html>> accessed 5 March 2022.

⁴³ News Alert, 'Nigeria: Boko Haram militants kidnap four people in Born State, June 2' *News Alert*, Lagos, 04 June 2020.

⁴⁴ Article 35 (3) and Article 55 (1) and (2) Additional Protocol I to the Geneva Conventions of 1977, herein after AP I.

⁴⁵ Article 54 (2) Additional Protocol I and Article 16 Additional Protocol II (AP II).

⁴⁶ Ekpo, C G and Is'haq, A B, 'Impact of Boko Haram Insurgency on Bio-Physical Environment of North Eastern Nigeria' <https://researchgate.net/publication/330811866_Environmental_Implication_of_Boko_haram/> accessed 7 March 2022.

⁴⁷ Prager, A and Sampson, S, 'The Fight against Nigeria's Northeast Terrorism is also a Battle against Climate Change' *Quartz Africa*, 18 October 2019 <<https://qz.com/africa/1730868/fighting-boko-haram-and-climate-change-in-nigeria/>> accessed 7 March 2022.

⁴⁸ *Ibid* 4-7.

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production, as smaller farmers have experienced the destruction of productive assets, lost access to farm inputs, and even have faced displacements.

A report by Global Food Security Program of the Centre for Strategic and International Studies (CSIS) noted that, during 2010-2015, the production of sorghum, rice, and millet in Borno State declined by 82 percent, 67 percent, and 55 percent, respectively.⁴⁹ An assessment by the Nigerian Government in 2014-2015 revealed that the total losses in the country's agricultural sector due to the conflict amounted to \$3.7 billion, with the majority - about 64% - having occurred in Borno State.⁵⁰ The insurgents have blown up bridges, roads, and electrical lines and other forms of infrastructure that have contributed to an overall loss of USD 9 billion in Northeast Nigeria, according to the United Nations.⁵¹ Some of these infrastructures like bridges linking villages where major farmers dwell in Yobe state have been blown up. Fish farmers in Yobe State are unable to transport their products to the South. The fear of the attack from Boko Haram has stopped farmers from going to cultivate even in the event of good climatic condition. The attacks on villagers, burning down homes and indiscriminate shooting have forced survivors to relocate to South especially in Borno State.⁵² Millions of livestock have been adversely affected while the region's thriving fishing industry has plummeted.⁵³

Boko Haram attacks have contaminated all sources of water - rivers, dam's reservoirs. The aesthetic features of the environment have been affected. There is an increase of temperature caused by human activity such as bush burning, suicide bombing, aerial bombardment, etc. It has impacted on all terrestrial and aquatic organisms. There is a noise pollution as a result of crossfire between the military and the insurgents. It has led to displacement and death of thousands of humans and animals. Land pollution is on the increase. Degradation of the Earth's surface caused by a misuse of resources and improper disposal of waste resulting from handling of weapons of war and ammunition has greatly impacted on all living things and properties. There is contamination of air by smoke and harmful gases, mainly oxides of carbon, sulphur and nitrogen having caused so many incurable diseases and deaths among humans and animals.⁵⁴

⁴⁹ Center for Strategic & Information Studies, 'Conflict, Environmental Degradation, and Food Security in North East Nigeria' (June 8 2020) <<https://csis.org/analysis/conflict-environmental-degradation-and-food-security-northeast-nigeria?amp/>> accessed 7 March 2022.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² Adebisi, S A, Azeez, O O and Oyediji, R, 'Appraising the Effect of Boko Haram Insurgency on the Agricultural Sector of Nigerian Business Environment' (2016) 11 (1) Journal of Law and Governance 15-26 <<https://doi.org/10.15209/jbsge.v11i1.999>>

⁵³ *Ibid.*

⁵⁴ Ekpo, C G and Is'haq, A B, 'Impact of Boko Haram Insurgency on Bio-Physical Environment of North Eastern Nigeria' <https://researchgate.net/publication/330811866_Environmental_Implication_of_Boko_haram/> accessed 7 March 2022.

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4. NIGER DELTA CONFLICT AND ITS IMPACT ON THE NIGERIAN ENVIRONMENT

The Niger Delta region has over the years produced the bulk of national wealth but has paradoxically been marked by increased violence due to the negative effects of oil extraction and access to revenue derived from the sale of oil. The outcome of such violence will be discussed in subsequent paragraphs below. From various police and military raids of the groups' armouries and hideouts, or the government-initiated disarmament or cash-for-arms programs, weapons were uncovered in droves. The weapons vary from AK-47s, Czech SAs, light machine guns, Czech Model 26s, Sten MK 2s, Rocket Propelled Grenades (RPG), MAT-49s, MG 36s, M-16s, Berettas, HK G3s, FN-FALs, home-made guns, pump-action shot guns, G3s, among others.⁵⁵

Research shows that most of these weapons were smuggled into the country while some were acquired after attacks on police and military outposts to effectively execute their goal. The armed groups of the Niger Delta have carried out deadly and paralyzing attacks on oil and gas facilities with their weapons. They have shut down oil production and massacred scores of security officials guarding the facilities and infrastructure.⁵⁶ They have also taken foreign oil workers hostage sometimes and releasing them only after huge ransoms are paid. These groups have unfortunately taken arms and formed rebel groups fighting against the international oil companies and government through gang violence, pipeline destruction, oil bunkering, kidnappings and piracy spurring a wave of criminality throughout the Delta. Guns in the hands of militant youth will continue to exacerbate the problem until more basic solutions are found.

Civilian populations were also killed by forces of Niger Delta People's Volunteer Force (NDPVF) firing indiscriminately in order to engage their opponents. At the end of August 2004 there were several brutal battles over the Port Harcourt waterfront; some residential slums were completely destroyed after the NDPVF deliberately burned down buildings. By September 2004, the situation was rapidly approaching a violent climax that caught the attention of the international community.⁵⁷

On August 9, 2016, Niger Delta Greenland Justice Mandate (NDGJM) declared its existence and threatened to destroy refineries in Port Harcourt and Warri within 48 hours, as well as a gas plant in Otu Jeremi within a few days.⁵⁸ The next day, the group reportedly blew up a major oil pipeline

⁵⁵ Wellington B, 'Weapons of War in the Niger Delta' (2013) 5(10) Terrorism Monitor, 8-10.

⁵⁶ *Ibid* 51.

⁵⁷ Human Rights Watch, 'Rivers and Blood: Guns, Oil and Power in Nigeria's Rivers State' Human Rights Watch Report, 4 February 2005 <<https://www.hrw.org/report/2005/02/04/rivers-and-blood/guns-oil-and-power-nigerias-rivers-state>> accessed 12 April 2022.

⁵⁸ Daily Post, 'Niger Delta: Another militant group emerges, vows to bring down refineries in Port Harcourt, Warri within 48 hours' *Daily Post*, Lagos, 17 September 2016 <<https://dailypost.ng/2016/08/09/niger-delta-anothermilitant-group-emerges-vows-bring-refineries-porthacourt-warri-within-48-hours/>> accessed 5 December 2021.

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operated by the Nigerian National Petroleum Company (NNPC) in Isoko.⁵⁹ The group also warned that they will blow up additional oil installations in the future.⁶⁰ This they did on August 19, 2016. The group reportedly blew up two pipelines belonging to NPDC in the Delta State.⁶¹ On August 30, 2016, the group blew up the Ogor-Oteri oil pipeline.⁶² On 4 September, the group claimed it had rigged all marked oil and gas facilities with explosives and warned residents living near them to evacuate.⁶³

However, the actions of these militants are not the only effect on the Niger Delta region as it is essential to state that the multinational oil companies (MNOCs) played a major role in the destruction of the environment. Mining activities in the Niger Delta have adversely affected the ecosystem of the region, resulting in serious environmental degradation. Indeed, the degradation that oil production has caused in the Niger Delta environment is a yardstick for understanding the dynamics of the conflict in the region. High-pressure pipelines carrying crude oil, diesel and gas have been constructed all over the oil-bearing communities. These, however, are rarely maintained by the government or the oil companies. Such neglect of these pipelines and other oil installations often results in spills and leakages destroying wildlife, farmlands, forest, aquatic and human lives.

Apart from the foregoing, these spills sometimes result in fire incidents whereby many lives are lost. For example, the fire incidents in Egborode in 1998,⁶⁴ Jesse in Delta state in 2000⁶⁵ and the Onicha-Amiyi Uhu fire incident in Abia State in 2003.⁶⁶ In addition, discharge from refining activities into freshwater sources and farmlands devastate the environment and threaten human lives because they contain excessive amounts of toxic materials. Similarly, constant gas flaring affects wildlife and human life negatively. Badly constructed canals and causeways for the purpose of mining activities have adversely affected the hydrology of the region, causing floods in some areas and inadequate water in others. These artificial waterways allow saline

⁵⁹ Daily Post, 'New Niger Delta militant group, Greenland blows up oil pipeline in Delta' *Daily Post*, Lagos, 17 September 2016 <<https://news24.com.ng/national/new/niger.delta-militants-issue-another-deadly-warning-20160812>> accessed 5 December 2021.

⁶⁰ News 24, 'Niger Delta militants issue another deadly warning' *News 24*, 7 September 2016 <<https://www.news24.com.ng/national/new/niger.delta-militants-issue-another-deadly-warning-20160812>> accessed 5 December 2021.

⁶¹ Opejobi, S, 'Suspected Niger Delta militants blow up two NPDC pipelines in Delta' *Daily Post*, 19 August 2016 <<https://dailypost.ng/2016/08/19/suspected-niger-delta-militants-blow-two-npdc-pipelines-delta/>> accessed 5 January 2022.

⁶² Ireke, N, 'Militants strike again, blow up NPDC facility' *Niaj News*, 31 August 2016 <<https://naij.com/948223-breaking-news-militants-blow-another-npdc-facility-launch-operation-crocodile-tears.html>> accessed 5 January 2022.

⁶³ Abimboye, M, 'Militants tell residents to vacate oil facilities' *Naij News*, 5 September 2016 <<https://naij.com/955371-militants-set-to-bomb-more-oil-facilities-as-it-prepare-to-attack-army.html>> accessed 25 January 2022.

⁶⁴ Ola, D and Eighemheberio, D, 'Wasting lives: Official negligence results in grave tragedy at Idjerhe, Niger Delta of Nigeria' *Idjerhe*, Delta State, Nigeria, 20 October 1998.

⁶⁵ *The Guardian* (Lagos 23 March 1999).

⁶⁶ *Daily Champion* (Lagos 26 June 2003).

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water into sources of fresh water, resulting in scarcity of drinking water and the killing of many plants and water animals.⁶⁷

Extensive research has shown that one and a half million tons of oil has been discharged into the Delta's farms, forests, and rivers since oil drilling began in 1956. Hundreds of kilometres of rainforest have been destroyed by the oil spills. When petroleum is discharged into the soil, the soil becomes acidic, which disrupts photosynthesis and aerobic respiration by tree roots. Moreover, the fish population has also been negatively affected by oil drilling. The region is a habitat to over 250 different fish species, and 20 of these species are found nowhere else in the world.⁶⁸ If oil spills continue at this rate entire species will become extinct and the entire Nigerian fishing industry will be decimated. The oil spills in the Niger Delta also have negative implications on local human health.

A primary cause of this is the effect the crude oil spills have on crops in the given area. According to Nwagbo (2021)⁶⁹ there has been an estimation of 240,000 barrels of oil being spilled annually onto the Niger Delta region. Therefore, the prolificacy of this soil is prone to producing crops that contain higher amounts of metal than they would do otherwise. Crops that prevailed in the oil spill, such as the pumpkin and the cassava, increased in lead absorption by over 90%.⁷⁰

Martin and others⁷¹ addressed the harm lead and other metals can cause after strenuous exposure. Lead is a heavy metal that accumulates around regions that produce huge amounts of fossil fuels and seep into products of consumption. Consuming lead is toxic enough to affect every organ and nervous system in the human body. Other detriments include the development of anaemia, pregnancy miscarriages, wearing of body joints, and reduction of sperm efficiency.

Another detrimental result of crude oil spills in the region is an increase of exposure to radiation, making individuals more prone to developing cancer.⁷² Due to the circumstances, the Niger Delta is only capable of producing small portions of food unaffected by oil spills. This has increased hunger in families and individuals of all ages, leading to a state of predominant malnutrition. There is also a higher demand for food of good

⁶⁷ Okeke-Uzodike, U and Ojajorotu, V, 'Oil, Arm Proliferation and Conflict in the Niger Delta of Nigeria' (2006) GSDRC Applied Knowledge Services <<https://gsdrc.org/document-library/oil-arms-proliferation-and-conflict-in-the-niger-delta-of-nigeria/>> accessed 20 March 2022.

⁶⁸ World Wildlife Fund, 'The Niger River- four ecoregions, one refuge' News 29 March 2001 <<https://wwf.panda.org/?2218/The-Niger-River-four-ecoregions-one-refuge/>> accessed 22 March 2022.

⁶⁹ Nwagbo, G, 'Oil Pollution in the Niger Delta', submitted as coursework for PH240, Stanford University, Fall 2017, 13 November 2017 <<http://large.stanford.edu/courses/2017/ph240/nwagbo1/>> accessed 2 November 2021.

⁷⁰ Ordinioha, B and Birisibe, S, 'The Human Health Implications of Crude Oil Spills in the Niger Delta, Nigeria: An Interpretation of Published Studies' (2013) 54 (1) Nigerian Medical Journal 10–16 <<https://doi.org/10.4103/0300-1652.108887>>

⁷¹ Martin, S and Griswold, W, 'Human Health Effects of Heavy Metals' (2009) 15 Center for Hazardous Substance Research <<https://engg.ksu.edu/CHSR/>> accessed 2 November 2021.

⁷² *Ibid* 52.

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quality with not enough monetary income, as many have lost their source of livelihood.

The implications on local human health are a direct consequence of environmental changes. As a result, there has been an influx of legal Acts and non-governmental organizations (NGOs) established between the early 1980s and the early 2000s to reduce the crude oil damage in the Niger region. Part IV of Nigeria's Oil Pipelines Act 2004⁷³ addresses the laws of compensation for any damage done to the Nigerian community; oil companies are legally obligated by the judicial court to repay the country for harming their infrastructures and environment, as long as these affected regions are occupied by local people.⁷⁴ In the year 2000, the Niger Delta Development Commission (NDDC) was entrenched on the region with the purpose of encouraging environmental relief, preventing pollution, as well as locating and removing any inhibitions to community advancement. Developed in 1981, the Nigeria Clean Associates (NCA) was one of the first NGOs to dedicate work towards oil spills.

The NCA currently consists of 15 oil companies that attempt to minimize pollutants that are being spilled into the Niger Delta's bodies of water. Multilateralism also plays a key role in the act of restoring the region. The United States provides the Nigerian Navy with equipped patrol boats to prevent oil smugglers from entering, leaving, or engaging in any business in the area.⁷⁵ Though action has been taken in the previous years, the Niger Delta continues to experience environmental and physical detriments with little or no legitimate interference from the oil companies involved. The military and militants engaged in deadly encounters in the creeks and the mangrove forests, and several of the illegal shanty refineries have been destroyed by security operatives, with serious effects on the environment.⁷⁶

Some other effects of the conflicts include cracked relations within and between communities and various social groups in the Niger Delta. The crisis has broken relations between the communities in the Niger Delta, oil companies and the Nigerian state as well. Employment has been affected as some MNOCs withdrew from areas of operation and shut down production activities and new businesses consider the area as dangerous. The conflict has affected the security of oil workers, members of their families and areas of work activities. The crisis has resulted in huge revenue losses for the country (due to shut down or reduction in production activities, vandalization and damage of oil facilities, bunkering, etc.). More importantly, the crisis has been used to sponsor other types of crises, especially at the political level whereas the Truth and Reconciliation Commission in Rivers State has shown, politicians hide under the general

⁷³ PLAC, 'Laws of Nigeria' <<https://lawsofnigeria.placng.org>> accessed 20 March 2022.

⁷⁴ Art IV, Oil Pipelines Act, CAP O7, Laws of the Federation of Nigeria 2004.

⁷⁵ Nwilo, P C and Badejo, O T, 'Oil Spill Problems and Management in the Niger Delta' (2005) 567–570 International Oil Spill Conference Proceedings, Department of Surveying & Geo-informatics <<https://doi.org/10.7901/2169-3358-2005-1-567>>

⁷⁶ Olaniyan, A, 'Destroying to Destroy: Militancy and Environmental Degradation in the Niger Delta' (2017) 34 Environment & Society Portal, Arcadia <<http://doi.org/10.5282/rcc/8175>>

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crisis in the Niger Delta to settle personal scores. It has affected the image of the people of the area (they are seen as crisis and conflict prone).⁷⁷

5. GOVERNMENT APPROACH TOWARDS MANAGING THE CONFLICTS

In the bid to protect the citizens of Nigeria and their properties, the Nigerian government has applied certain approach to curb the conflict and restore peace and tranquillity to the state. Below are some of the approaches that have been applied:

a. Military Approach

The Nigerian government first response to the actions of Boko Haram was declaring a state of emergency on the affected state (Borno), after which soldiers were dispatched to every nook and crony of the state to protect civilians and civilian objects. The Nigerian government treated it lightly, almost as a minor uprising that would disappear in no time. The police force was deployed. But the further turn of events necessitated the deployment of combatant soldiers as if it was a full-scale war.⁷⁸ Government response to the Boko Haram menace has not been coordinated and focused; in fact, it has moved between the use of extreme force, appeasement, amnesty, and negotiation.⁷⁹

The government established a special Joint Task Force codenamed 'Operation Restore Order' (JTF ORO) to eliminate the threat posed by Boko Haram.⁸⁰ The conflict suppression measures applied by the Nigerian government through military JTF have been minimally effective and far from enthrone peaceful coexistence in the areas. Killing Boko Haram terrorists through JTF attacks has been used as major counter-terrorism strategy with obvious side effects. Such side effects include counterattacks by the group upon unsuspecting villages. More worrisome is the fact that the membership of the Boko Haram group appears to be on the rise, despite the attacks on them.⁸¹

⁷⁷ Olusola, O, 'The Consequences of Militancy in Nigeria's Niger Delta' (2013) 11 (2) JORIND 149-157 <<https://transcampus.org/journals>>, <<https://ajol.info/journals/jorind>> accessed 4 February 2022.

⁷⁸ Aduloju, A A, Opanike, A and Adenipekun, L O, 'Boko Haram Insurgency in North-eastern Nigeria and its Implications for Security and Stability in West African Sub-region' (2014) 4 (2) International Journal of Development and Conflict 102-107.

⁷⁹ Fawole, W A, 'Boko Haram: Origin, Development and Links with Domestic Politics' Paper prepared for presentation at the Strategic Communications Workshop, National Defense College, Abuja, (2013) 8 –13 December as cited by Aduku, A A and Okolo, B I 'Boko Haram Insurgency in Nigeria: Implications for National Unity and Restorative Justice' (2019) 2 AJCR <<https://accord.org.za/ajcr-issues/boko-haram-insurgency-in-nigeria/>> accessed 12 February 2022.

⁸⁰ Yakohene, A B, 'Rising Insecurity in West Africa: Boko Haram in Focus' (2015) XIII (39) 52-56 International Training Programme for Conflict Management (ITPCM) International Commentary 52-56 as cited by Aduku, A A and Okolo, B I, 'Boko Haram Insurgency in Nigeria: Implications for National Unity and Restorative Justice' (2019) 2 AJCR <<https://accord.org.za/ajcr-issues/boko-haram-insurgency-in-nigeria/>> accessed 12 February 2022.

⁸¹ Egbue, NG, Nwankwo, I U and Alichie, B O, 'Curbing Boko Haram Terrorist Insurgence in Nigeria: Imperatives of Quadruple Action Package of Limited Military Response, Improved Social Services, Conflict Resolution Initiatives and Modified Pacifism' (2015) 20 (1) British

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For more than a decade, Nigeria has not been able to militarily defeat the Boko Haram insurgency even with the logistical support coming from the neighbouring countries.⁸² Between 2015 and 2017, the effectiveness of the military campaign improved, and the Nigerian government managed to retake territories from Boko Haram, pushing the group to more marginal areas. Yet the Nigerian Military has struggled to effectively hold retaken territories. Presently, Boko Haram attacks persist and steadily expose the questionable claims of the government that Boko Haram has been technically defeated.⁸³ Defeating a home-grown insurgency group has historically proven to be difficult. And experience in many countries, such as Angola, Namibia, Zimbabwe, South Africa, Peru, Colombia, Spain, Afghanistan, Iraq and Israel, show that an army has never defeated a guerrilla insurgency.⁸⁴

b. International Legal Framework for Environmental Protection in times of Armed Conflict

The Nigerian government ratified the Additional Protocols to the Geneva Conventions 1977 that is the major instrument for combating environmental degradation in times of conflict.⁸⁵ These instruments have been waiting for the approval by the National Assembly. Nigeria being a dualist State cannot enforce the provisions of any international treaty until it has gone through the process of re-legislation by the National Assembly.⁸⁶ This process is long overdue as those treaties were ratified in 1988, thirty-four years ago. Other treaties regulating means and method of warfare are suffering the same fate as there appears to be no war time legislation in Nigeria. Fortunately, the Customary International Humanitarian Law Rules (CIHL)⁸⁷ is available and does not require the National Assembly's input for its implementation. It is hoped that these customary rules will be put to use and those who have damaged the environment in the context of conflict should be prosecuted in line with the legislations.

Journal of Arts and Social Sciences 13-29 <<https://bjournal.co.uk/BJASS.aspx>> accessed 10 February 2022.

⁸² Mbombo, J K, 'Winning Boko Haram with Restorative Justice' (Special Issue 2015) Conflict Studies Quarterly 74-91 <https://researchgate.net/publication/306248779_Winning_Boko_Haram_with_Restorative_Justice> accessed 20 February 2022.

⁸³ Felbab-Brown, V, 'In Nigeria, we don't want them back: Amnesty, defectors' programs, leniency measures, informal reconciliation, and punitive responses to Boko Haram' (2018) New United Nations University Volume (UNU) The Limits of Punishment: Transitional Justice and Violent Extremism <<https://brookings.edu/research/in-nigeria-we-don-t-want-them-back/?amp>> accessed 10 January 2022.

⁸⁴ Achodo, C C, 'Boko Haram Insurgency: A Rethink in Strategic and Tactical Response toward Resolving the Crisis' 23 January 2019 (Special Report) Nextier Issues as cited by Igbini, M D 'Insurgency in Nigeria: The Prognosis and its Effects on the Nigerian Politics' (2019) 10 (1) <<https://dj.univ-danubius.ro/index.php/JDSR/article/view/567>> accessed 20 December 2021.

⁸⁵ Article 35 (3) Article 55 and Article 54 AP I protecting the environment and civilian objects and Article 16 AP II.

⁸⁶ Section 12 Constitution of the Federal Republic of Nigeria 1999 as amended 2011.

⁸⁷ Jean-Marie, H, 'Study on Customary International Humanitarian Law: A Contribution to the Understanding and Respect for the Rule of Law in Armed Conflict (March 2005) 87 (857) International Review of the Red Cross 175-212.

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c. Domestic Framework for Environmental Protection

The Constitution of Nigeria 1999 made provision for environmental protection. It reads: "The State shall protect and improve the environment and safeguard the water, air and land and wildlife".⁸⁸ The Boko Haram attacks have affected the air, land, water and wildlife and the commitments made to address the menace are yet to be seen. There is the National Environmental Standards and Regulations Enforcement Agency Act (NESREA).⁸⁹ This piece of legislation addresses air,⁹⁰ water,⁹¹ noise⁹² and land pollutions. The Agency is empowered to make regulations for the protection and enhancement of the quality of land resources including prevention of flood and erosion.⁹³ A breach of the provision attracts a fine. The same penalty of payment is attached to all breaches. The problem with this law is that it is a peace time treaty and did not address environmental degradation in times of armed conflict. Another challenge is its implementation or enforcement. The penalties are quite meagre so that it is easier to pollute or degrade the environment than to obey the law.

There is also the Harmful Waste (Special Criminal Provision) Act⁹⁴ which is in agreement with section 27 (1) of NESREA, and it provides that: 'the discharge in such harmful quantities of any hazardous substance into the air or upon the land and the waters of Nigeria or at the adjoining shorelines is prohibited, except where such discharge is permitted or authorized under any law in force in Nigeria'. In the interpretation section⁹⁵ it defines harmful waste as hazardous substances and it means any chemical, physical or biological radioactive materials that pose a threat to human health and the environment or any such substance regulated under international convention to which Nigeria is a party or signatory e.g., Montreal Protocol, Rotterdam Convention, Stockholm Convention, etc. It is not surprising that this section did not include any treaty prohibiting weapons of warfare that are capable of producing such substances having a threat to human health and the environment. This is because the instrument under review is peace time legislation. It never contemplated environmental destruction that will occur in the event of hostilities by armed groups and the accountability mechanisms for addressing such.

d. Peace Negotiation Technique between the Nigerian Government and the Boko Haram Leaders

One of the most practiced ways to resolve disputes, conflicts and controversies both internationally and domestically is through negotiation.

⁸⁸ Section 20 of the Constitution of the Federal Republic of Nigeria 1999 as amended 2011.

⁸⁹ Hereinafter NESREA Act 2007.

⁹⁰ Section 20 NESREA Act 2007.

⁹¹ Section 23 NESREA Act 2007.

⁹² Section 22 NESREA Act 2007.

⁹³ Section 26 NESREA Act 2007

⁹⁴ Cap H1 Laws of Federation of Nigeria (LFN) 2004

⁹⁵ Section 37 NESREA Act 2007

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Besides that, there is a common notion that dialogue should be initiated when terror groups are on the defensive. But government hardly implements such measures due to the misleading perception that a military triumph is in sight and a final attack is all that is needed. This perception was implemented as Nigeria's first approach to the conflict. Military attacks and bombardments have been discovered to be ineffective and in its place the government resulted to the negotiation technique. This method seeks to determine the objective of the aggressive party and sought out a mean to reach a compromise between both parties over a table of discussion.

This approach was initiated by the Nigerian government to peacefully address the Boko Haram situation. The first attempt to dialogue with Boko Haram was in September 2011 when a meeting was facilitated between the former Nigerian President Olusegun Obasanjo and Babakura Fugu, the brother in-law of the late Mohammed Yusuf (Former Leader of Boko Haram). Unfortunately, this purposeful peace meeting was cut short by the assassination of Fugu. In 2012, Boko Haram accepted Sheikh Ahmed Datti, the President of the Supreme Council for Sharia in Nigeria as an intermediary but he withdrew claiming that the government was indiscreet and prematurely releases information to the media.⁹⁶

On 25 March 2018, Nigeria's information minister Lai Mohammed announced that the government was negotiating a ceasefire, and, ultimately, a permanent end to the conflict. Further research revealed that the negotiation for peace strategy was denied as Abubakar Shekau (supposed leader of the sect) refused the terms of the government with an aim to focus on their ultimate goal, establishing their Islamic laws and policies in Nigeria.⁹⁷ Citizens who had high hopes for a positive outcome during the negotiations were disappointed and, however, stated that the crisis is more complicated now than in previous years when attempts at dialogue were made.

e. Tree Planting Initiatives

The civilians in the Northeast, particularly the Firewood Seller's Association have tried to work for the conservation of the bush land. This they do by educating their members on the need not to cut down dead trees except if the tree is dead. They educated to participate in the tree planting exercise across Borno State of Nigeria.⁹⁸ Logistics for the exercise is mostly organized by the government, while the Association provides the labour force.⁹⁹ In doing so, they try to make up for the trees that were cut down. The

⁹⁶ Olojo, A, 'Dialogue with Boko Haram: Back on the Agenda?' (July 2019) Institute for Security Studies <<https://issafrica.org/iss-today/dialogue-with-boko-haram-back-on-the-agenda>> accessed 27 May 2021.

⁹⁷ BBC News, 'Boko Haram Denies Ceasefire claim by Nigeria Government' *BBC News*, Lagos, 1 November 2014 <<https://bbc.com/news/world-africa-29859587.amp>> accessed 27 May 2021.

⁹⁸ Alicia, P and Simpa, S, 'The Fight against Nigeria's Northeast Terrorism is also a battle against Climate Change' (2019) Quart Africa, 18 October 2019 <<https://qz.com/africa/1730868/fighting-boko-haram-and-climate-change-in-nigeria/amp/>> accessed 7 March 2022.

⁹⁹ *Ibid.*

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challenge with this initiative is that wood cutters who are not members of the Association engage in illegal logging. Environmental activists are pushing for stricter regulation in this regard.¹⁰⁰

f. The Hydrocarbon Pollution Restoration Project

The hydrocarbon Pollution Restoration Project was an initiative put in place by government to address the environmental degradation caused by oil spill in the Niger Delta Region of Nigeria. This project was established and to “fully implement the United Nations Environment Programme’s Assessment Report on Ogoni Land”.¹⁰¹ This is to facilitate the clean-up of the land. The Government of Nigeria had indicated that it will define the scope, actions and financing of the project. The UNEP Environmental Assessment of Ogoni Land had proposed an initial sum of US\$1 billion to cover for the initial five years of clean-up operations.¹⁰² In all, the report estimated that countering and cleaning up the pollution and catalyzing a sustainable recovery of Ogoni land could take 25 to 30 years and will require long term financing. There are clear and encouraging signals that the government is keen to move on the recommendations.¹⁰³

Findings of the UNEP’s report 2020 reveal that work has begun on only 11% of the polluted area identified by United Nations Environment Program (UNEP), with only a further 5% included in current clean-up efforts, and no site has been entirely cleaned up; actions classified by UNEP as “emergency measures” - immediate action on drinking water and health protection – have not been implemented properly; there are still communities without access to clean water supplies; health and environmental monitoring has not been carried out.¹⁰⁴

g. Amnesty Policy of Nigerian Government on Niger Delta Militancy

As the Nigerian Government unleashed its state terror through its violent repression, the Niger Delta Groups which began as a social movement became more violent in its approach as the number of militant groups increased, making it very difficult to explore and exploit oil in the region. Consequently, the 2.5 million barrels of oil production per day in Nigeria dropped to less than half of that number, making Angola the first, which was otherwise the second highest oil producing country in Africa.¹⁰⁵

Faced with the reality of such a drastic drop in oil production and its implications on the country whose economy is heavily dependent on oil, the deceased President Yar’Adua took a non-violent path in resolving the crisis

¹⁰⁰ *Ibid.*

¹⁰¹ UNEP, ‘UNEP Welcomes Nigerian Governments Green Light for Ogoni land Oil Clean-up’ (07 August 2017) <<https://unep.org/news-and-stories/story/unep-welcomes-nigerian-governments-green-light-ogoniland-oil-clean-up/>> accessed 8 March 2022.

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

¹⁰⁴ Amnesty International, ‘No Clean Up, No Justice: Shell’s Oil Pollution in the Niger Delta’ (18 June 2020) <<https://amnesty.org/en/latest/news/2020/06/no-clean-up-no-justice-shell-oil-pollution-in-the-niger-delta/>> accessed 8 March 2022.

¹⁰⁵ BBC, *supra* 97, 53.

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in the region in his bid to patch the bleeding economy. Thus, on 24th June 2009 he announced the 60 day amnesty policy. The policy stated that militants who lay down their arms within 60 days (6th August 2009 – 4th October 2009) will not be prosecuted for the crimes committed in the process of crippling Nigeria's oil industry.

Since the announcement of the amnesty policy, thousands of ammunitions, machine guns and grenade launchers have been handed in. Many militants have turned themselves in as well, though major militant groups like the Movement for the Emancipation of the Niger Delta (MEND) who viewed the policy with suspicion promised a ceasefire but not disarmament of the group. According to them, the policy has no room for dialogue, and it does not address the root issues that gave birth to the struggle.

During the 2011-2015 tenure of President Goodluck Ebele Jonathan, the pressure of militancy increased as the Niger Delta Militias expected a level of understanding and support from him because of his biological attachment to their roots. President Goodluck continued in the steps of his predecessor to sustain the amnesty programme and also initiated several training platforms both technically and educationally to enhance the academic standard and improve the literacy level of members in the community who were willing to learn. Such students were known as Federal Government Students in most tertiary institutions. Quite a number of them were sent to study abroad due to their excellent performance.

However, the success of this policy was very brief as the government did not address the foundation of the conflict. Those who surrendered weapons were given a certain amount of money which did not get to the people immensely affected at the grassroots of the region neither did prevent the oil companies from their horrific operations. The offer of amnesty failed to make provision for the actual victims of the conflicts. These included innocent civilians who died, leaving behind dependents, those who were maimed and suffer permanent disability, those whose homes and properties were destroyed, those whose means of livelihood were destroyed, those who had to suffer the pain of displacement losing job, dislocation in their social life as well as innumerable other consequences of the conflict.

Politics overtook the educational programme which made it difficult for certain minority tribes in the Niger Delta to partake in the scheme. Also, the top leaders of the group used it as a mean to extort money from the government. Having received all empathetic gifts and incentives from the government the militancy persists and continues dominating spirit and arms. Bunkering and kidnapping of oil workers seems to be their source of ammunition funds and livelihood.

h. Multinational Oil Companies' Approach towards the Niger Delta Conflict

During the past three decades several oil companies like Shell, Chevron, Mobil, Elf Aquitaine, and Agip have been given license by the

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Nigerian government to explore and exploit crude oil from the Niger Delta region have not met certain criteria and fulfilled the required conditions. In the advent of the ongoing conflict some of these oil companies have expressed concerns towards affected communities. Measures were put in place to compensate most of the damages. Meetings were scheduled between community heads and leaders where their complaints were taken into consideration and, in return, developments were birthed in those communities.

Proper drinking water systems (borehole) were established in some communities in place of their normal river and stream sources. Their roads were tarred consistently to aid easy transportation. Roads and bridges were constructed to some villages on the sea and, to those where such constructions were impossible, house boats and good canoes were provided. Foodstuffs and other necessary items are sent to different communities annually for consumption. Scholarships for different educational levels are given to the communities to sponsor the children's education. Constant power supply was given to some villages especially those surrounded by water. Schools and medical hospitals were erected in amenity lacking areas.

It is expedient to state that most of these gestures and goodwill from MNOCs are still ongoing but how commensurate are these provisions compared to the gain made by these companies to the damages left behind. It is apparent that such provisions are used to deceive and blindfold the illiterate community leaders to achieve their goals.

i. Legislative Framework for Addressing Oil Pollution in the Niger Delta Region

The government in a bid to control and mitigate the environmental impact of pollution caused by oil spill in the Niger Delta Region has put in place some laws. These laws cover oil spill management too. In 2010, the government established the National Oil Spill and Detection Response Agency (NOSDRA) under the Federal Ministry of Environment, and a National Oil Spill Contingency Plan (NOSCP) approved by the Executive Council of the Federal Government. One of the functions of NOSDRA was to manage the contingency plan on oil spill under the terms of the new programme on combatting environmental pollution caused by oil operation.¹⁰⁶

However, it never made a mention of spill as a result of attacks by armed groups. The approval of the contingency plan and the establishment of NOSDRA were in response and compliance with the International Convention on Oil Pollution Preparedness Response and Cooperation

¹⁰⁶ Yo-Essien, LPE, 'Oil Spill Management in Nigeria: Challenges of Pipeline Vandalism in the Niger Delta Region of Nigeria' (2008) Abuja, National Oil Spill Detection & Response Agency (NOSDRA) <<https://scrip.org/reference/referencespapers.aspx?referenceid=244930>>, <<https://ipcc.utulsa.edu/Conf2008/Manuscript%20&%20>> accessed 20 February 2022.

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(OPPRC), which Nigeria had signed.¹⁰⁷ The aim is to ensure that the State Parties develop a national system or plan that would aid it in promptly responding to the incidence of oil pollution and that aligns with the action of the Nigerian government in developing the National Oil Spill Contingency Plan. It can fairly be said that the inability of the government to deal with oil spillage, oil theft and oil management issues exacerbates the rebel attacks by the Niger Delta militants. The reasons for the failure of the law include corruption, conflicting roles, weak penalties, and enforcement challenges.¹⁰⁸

j. Management Policy in Mitigating Oil Spill

Agreed that the multinational oil companies are complicit when it comes to oil spill in the Niger Delta Region of Nigeria, but the vandalism of oil pipelines appear to be the commonest form of oil spillage. To address this, the federal government has put in place measures to mitigate the problem. In this regard, the federal government by the Act of the National Assembly has created the Niger Delta Development Commission (NDDC), which has been saddled with the responsibility of developing a master plan for the development of the region and the provision of basic infrastructure.¹⁰⁹ Adelana and Adeosun noted that several mechanical, chemical and biological oil spill cleaning methods have been developed and leveraged by the Nigerian government in order to effectively manage oil spill problem.¹¹⁰ Most notably, the federal government of Nigeria has put in place standards for the development of the environmental sensitivity index maps for the Niger Delta through the Environmental System Research Institute.¹¹¹

6. RECOMMENDATION AND CONCLUSION

This paper examined the effect of non-international armed conflict on the Nigerian environment as well as potential steps taken by the Nigerian government to abate the situation. It revealed that countries must overcome the limits of the assumptions that extremist groups anywhere can be defeated with guns and bombs as such act will only increase the damages. The terrible condition of the Niger Delta region is due to long term neglect on the part of both the government and the oil companies to invest in developmental activities in the region. The grievances of the people of the

¹⁰⁷ Muhammed, T B, 'Environmental, Public Health and Socio-Economic Issues of Oil Spillage in Niger Delta, Nigeria' (February 2021) 10 (02) International Journal of Engineering Research & Technology (IJERT) 1-5 <<https://doi.org/10.17557/IJERTV10IS020041>>

¹⁰⁸ *Ibid* 4.

¹⁰⁹ Nwilo, P and Badejo, O, 'Oil Spill Problems and Management in the Niger Delta' (2005) 2005 (1) International Oil Spill Conference Proceedings 567-570 <<https://doi.org/10.7901/2169-3358-2005-1-567>>

¹¹⁰ Adelana, S O, Adeosun, T A, Adesina O A and Ojuroye, M O, 'Environmental Pollution and Remediation: Challenges and Management of Oil Spillage in the Nigerian Coastal Areas' (2011) 2 (6) American Journal of Scientific and Industrial Research 834-845 <<https://doi.org/10.5251/ajsir.2011.2.6.834.845>>

¹¹¹ Muhammed *supra* 107, 4.

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region are based on the environmental damages of the area by oil exploration and exploitation.

This agitation has inflicted on the region and the country at large series of challenges ranging from developmental challenge, socio-cultural implications, economic setback and problem of human resources. The Niger Delta militancy problem calls for a joint approach to a solution: broad consultation, collaboration and effective dialogue. The stakeholders are not just the oil companies, Nigerian government and local elites, but also the local fishers, farmers, traders, youth and women. The government should refocus its efforts on a people-centric, community-based and intelligence-driven, whole-of-government approach to better police its borders, enhance interagency cooperation and improve the capacity of the security forces. The government should also aim to advance socio-economic development like job creation and leverage international assistance to end the insurgency. There is a need for government to review spill response procedure, ensure independent monitoring, amend the laws, improve enforcement initiatives and clarify institutional roles to foster synergy amongst them.

The government should investigate the internal and external sponsors of Boko Haram and block the financial flow internally and externally so that government can have some control over the insurgency. The Central Bank of Nigeria and the local banks have a huge responsibility in this regard to closely monitor cash flow. Community leaders and communities should consider the rebuilding of victim-offender relationships as a viable alternative to breaking the Boko Haram stalemate. The Nigerian and other West African governments should join forces and share intelligence in the fight against terrorism, as Nigeria alone cannot fight this threat and curtail its spread within and outside her borders.

Nigerian government should return to derivative/resource control measure at resolving the crises in Niger Delta. The issue of resource control should be entrenched in the concurrent list to avoid over centralization in resource allocation. It should be well-established to enable communities negotiate for royalties on the resources that nature has deposited on their lands with oil multinational companies. The federal government should reorganize the state apparatus to reflect true federalism for federating units; special attention should be paid to the investment in the development of people of the Niger Delta region. The Niger Delta Ministry and NDDC should not be politicized but encouraged to accomplish the goals for which they were established.

The government should therefore listen to the pain of the people and address the conflict from the roots rather than proffer artificial and short-term solutions. The bombing and destruction of the environment and infrastructure in the North-east of Nigeria is overwhelming. Civilians and their objects have been attacked, the environment which sustains them has not been left out and the resultant effect is massive movement of the population resulting in internal displacements trapped in refugee crises. The government, in addition to lending a listening ear to agitators must strive to

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address the root causes of these conflicts and go the extra mile to protect the environment by ensuring that those who fight do so in line with the rules of the law of war, and there must be mechanism for accountability at the end of the conflict. If perpetrators are not brought to book, then the possibility of armed groups destroying the environment, to the extent that is unacceptable, cannot be denied.

Most importantly, Nigeria should make haste to domesticate all the treaties protecting the environment in times of armed conflict. These rules should be incorporated into the domestic laws and should be disseminated to all citizens by way of public enlightenment campaigns. The rules of warfare should be taught in schools as part of civil instructions. When citizens know what the law says, it makes implementation easy. The root causes of conflicts must be addressed in a timely manner to forestall the breakdown of law and order. There should be a review of weapons that are employed in the conduct of hostilities. Weapons that cause irreversible damage or long-term, severe and widespread damages must never be employed in conflict. Wanton destruction of civilian objects that does not add any military advantage must be prohibited as attacks on civilian objects will cause displacement and movement of civilians and, when this happen, they contribute to environmental destruction as they fall back on the forests and wildlife for survival.

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AUTHORS' DECLARATIONS AND ESSENTIAL ETHICAL COMPLIANCES

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Conceived and designed the research or analysis	Yes	No	No
Collected the data	Yes	No	No
Contributed to data analysis & interpretation	Yes	No	No
Wrote the article/paper	Yes	Yes	Yes
Critical revision of the article/paper	Yes	Yes	Yes
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